IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.951 OF 2005

Dhanaji Patangrao Phadtare ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Ranjit V. More, for the Applicant.

Mr.V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

28th February 2005

P.C.:

. Heard Counsel for the parties. This is second bail application preferred by the Applicant before this Court. Indeed, first application was filed before filing of the charge sheet. However, in the present application, the argument that is canvassed regarding the nature of injury was pressed into service on behalf of

the Applicant on the earlier occasion. Change of Advocate can be no basis to maintain successive bail application. To get over this, learned Counsel relied on subsequent statement of the Doctor. However, the subsequent statement of the concerned doctor will make no difference to the observation made by me in my earlier order dated 6th December 2004. The nature of injury as mentioned in the certificate does indicate that it is a grievous injury, which is so observed in the subsequent certificate issued by the same doctor on 23rd November 2004. The reason how this discrepancy has arisen is a matter for trial. The fact remains that the injury is a grievous injury and I have so held in my earlier order dated 6th December 2004. It was then argued that no case under section 307 of the Indian Penal Code is made out, if the subsequent statement of the concerned doctor is to be concerned in proper perspective. However, as the injury in question is grievous injury and so held in my earlier order, this contention cannot take the matter any further. There is evidence to show that the injury in question is ascribable to the Applicant having regard to the allegations in

the F.I.R. as well as the evidence of the prosecution witnesses, which is supported by the medical evidence. Hence, dismissed.

. As application for bail is rejected, the Sessions Judge, Satara, is directed to assign the case to the Fast Track Court, if not already done, to ensure early disposal of the trial, as High Court Expedited Case.

(A.M.KHANWILKAR,J.)